

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARVIN MOUA AND MENG HER,

Defendants.

8:19-CR-164

TRIAL ORDER

IT IS ORDERED:

1. The government's motion to continue ([filing 72](#)) is granted.
2. The jury trial currently set for September 30, 2019 is continued.
3. The above-captioned criminal case is set for a jury trial before the undersigned judge in Courtroom 1 (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, commencing at 9:15 a.m. on **Monday, October 28, 2019**, or as soon thereafter as the case may be called, for a duration of 2 or 3 trial days.
4. In accordance with [18 U.S.C. § 3161\(h\)\(7\)\(A\)](#), the Court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between today's date and October 28, 2019, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the

reasonable time necessary for effective preparation, taking into account the exercise of due diligence. § 3161(h)(3)(A), (7)(A) & (B)(iv).

5. A pretrial conference is scheduled to be held before the undersigned judge in Court of Appeals Visiting Chambers #2, Fourth Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **8:20 a.m. on Monday, October 28, 2019.**
6. The filing, briefing, and hearing of pretrial motions, including *ex parte* motions and applications, shall be governed by NECrimR 12.1 to 12.6. Motions shall be filed on or before **Wednesday, October 16, 2019.** Counsel must immediately notify the Court of any pretrial motion requiring an evidentiary hearing outside the presence of the jury.
7. The plaintiff shall file and serve on opposing counsel on or before Wednesday, October 23, 2019, as appropriate, all proposed jury instructions, trial briefs, suggested verdict forms, and witness lists. In particular, the plaintiff's witness list shall include the full name and address of each witness whom the party may call to testify at trial.
8. The defendant is also encouraged to provide the Court, on or before **Wednesday, October 23, 2019**, proposed jury instructions and a trial brief. Any materials so submitted shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
9. Exhibits must be listed before trial on exhibit forms available from the Clerk's office or on the Court's external web page at

<http://www.ned.uscourts.gov/forms>. The exhibits should be numbered as provided by NECrimR 12.7.

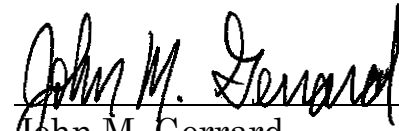
10. The courtroom deputy will take custody of the exhibits after they are received by the Court.
11. Parties shall deliver to the Court, to the undersigned's chambers in Lincoln, Nebraska, on or before **Wednesday, October 23, 2019**, trial copies of all exhibits in a three-ring binder organized for use by dividers or tabs. Exhibits provided by the defendant shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
12. At 9:15 a.m. on the first day of trial, the Court will meet with counsel and clients, on the record in the courtroom. This will be an opportunity to dispose of any motions and last minute matters, prior to trial. Voir dire will commence immediately thereafter.
13. Each subsequent day of trial will begin at 8:45 a.m. unless the Court directs otherwise.
14. Questioning of witnesses will be limited to direct examination, cross-examination, and redirect examination unless the Court allows further examination.
15. The Court will conduct an initial voir dire of the prospective panel. Counsel will be permitted to conduct follow-up voir dire in areas not covered by the Court's examination or in an area which may justify

further examination in view of a prospective juror's response during the Court's voir dire.

16. Witnesses who do not appear to testify when scheduled will be considered withdrawn. The trial will then proceed with the presentation of any remaining evidence.
17. A list of the equipment available in the courtroom, and a virtual tour of the courtroom, is available on the Court's external web page at <http://www.ned.uscourts.gov/attorney/courtroom-technology>.
18. Counsel shall notify the courtroom deputy at least a week in advance if the services of an interpreter will be required for a hearing or trial.

Dated this 9th day of September, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge